CUSTOMER NO.: 24498
Serial No.: 09/943,057
Office Action dated: May 17, 2005
Response dated: July 28, 2005

PATENT
PU010155

REMARKS

The Office Action mailed May 17, 2005 has been reviewed and carefully considered.

Claims 1, 3-5, 7, 9, and 13 have been amended. New Claims 17-19 have been added. Claims 1-19 are pending.

Claims 1-7 and 13-16 stand rejected under 35 U.S.C. §112, second paragraph. Regarding Claim 1 and the phrase "second transport medium", said phrase is only recited once in Claim 1, and is preceded by the word "a". Accordingly, Claim 1 is believed to already satisfy 35 U.S.C. §112, second paragraph. Claim 3 has been amended to now recite, *inter alia*, "said interface module" in line 5. Claim 3 has also been amended to now recite, *inter alia*, "said timing errors" in line 5. Claim 4 has been amended to now recite, *inter alia*, "said second transport medium" in line 3. Claim 5 has been amended to now recite, *inter alia*, "said second transport medium" in line 3. Claim 5 has also been amended to now recite, *inter alia*, "said second transport stream" in lines 2-3. Claim 7 has been amended to now recite, *inter alia*, "said at least one elementary stream processing device" in line 2. Claim 13 has been amended to now recite, *inter alia*, "said adapted extracted packets" in line 10. Accordingly, it is believed that all of Claims 1-7 and 13-16 now satisfy 35 U.S.C. §112, second paragraph. Accordingly, reconsideration of the rejection is respectfully requested.

Claims 1-4, 9-11, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Admitted Prior Art (hereinafter "APA"), in view of U.S. Patent No. 5,499,046 to Schiller et al. (hereinafter "Schiller") in view of European Patent Application EP 0 722 233 to Eidson et al. (hereinafter "Eidson").

It is respectfully asserted that none of the cited references teach or suggest, *inter alia*, "a transport interface, for providing said packets associated with said second transport stream to <u>a back-end device having a peripheral component interconnect (PCI) interface via</u> a second <u>non-PCI</u> transport medium <u>so as to bypass the PCI interface in the back-end device</u>", as now recited in amended Claims 1 and 9.

Further, it is respectfully asserted that none of the cited references teach or suggest, *inter alia*, "transmitting said adapted <u>extracted</u> packets<u>, to a back-end device having a peripheral component interconnect (PCI) interface,</u> via a second <u>non-PCI</u> medium <u>so as to bypass the PCI interface in the back-end device</u>", as recited in amended Claim 13.

As disclosed in the Applicants' specification, "[d]ata received from a network via the front-end device is typically coupled to a PCI interface for subsequent processing by the back-end device. The invention instead routes data directly to the back-end for subsequent processing. ... In this manner, a direct memory access (DMA) transfer of received MPEG using the PCI interface is avoided, thereby reducing the amount of PCI bus access necessary to effect data transfer from the front-end device to the back-end device" (Applicants' specification, p. 2, lines 24-33).

Taking the non-APA references one at a time, Schiller discloses a CATV distribution system with each channel having its own remote scheduler (Schiller, Title). The system of Schiller includes a plurality of headends, each headend outputting different audio/video programs to subscribers by way of a plurality of channels. The playlist or scheduling data corresponding to each channel is generated and modified by a separate and distinct scheduling computer, the scheduling computers for each channel being located at different locations. Such a system allows the output of each CATV channel at different head-ends to be generated, modified, and controlled via separate schedulers (Schiller, Abstract). However, Schiller is silent with respect to the deficiencies of PCI and, accordingly, does not address or disclose the above-recited limitations of Claims 1, 9, and 13.

Eidson is directed to timing in a data communications network (Eidson, Title). Eidson discloses a transfer device such as a gateway, a bridge or a router may include a time server and a time packet detector to correct for the transit time of a time packet through such transfer device (Eidson, Abstract). However, Eidson is silent with respect to the deficiencies of PCI and, accordingly, does not address or disclose the above-recited elements of Claims 1, 9, and 13.

Accordingly, neither Schiller, Eidson nor the APA, either taken singly or in any combination, teach or suggest the above-recited limitations of Claims 1, 9, and 13. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Thus, Claims 1, 9, and 13 are patentably distinct and nonobvious over the cited references for at least the reasons set forth above.

Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over APA and Schiller, in view of Eidson and further in view of U.S. Patent Publication No. 2002/0184649 to Wilson (hereinafter "Wilson"). Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over APA, Schiller and Eidson, in view of Wilson and further in view of U.S. Patent No. 6,868,292 to Ficco (hereinafter "Ficco"). Claims 8, 12, and 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over APA and Schiller, in view of U.S. Patent No. 5,734,589 to Kostreski et al. (hereinafter "Kostreski").

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Claims 2-8 and 17 depend from Claim 1 or a claim which itself is dependent from Claim 1 and, thus, include all the limitations of Claim 1. Accordingly, Claims 2-8 and 17 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 1.

Claims 10-12 and 18 depend from Claim 9 and, thus, include all the limitations of Claim 9. Accordingly, Claims 10-12 and 18 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 9.

Claims 14-16 and 19 depend from Claim 13 or a claim which itself is dependent from Claim 13 and, thus, include all the limitations of Claim 13. Accordingly, Claims 14-16 and 19 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 13.

Accordingly, reconsideration of the rejections is respectfully requested.

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In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of May 17, 2005 be withdrawn, that pending claims 1-19 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicants' Deposit Account No. 07-0832.

Respectfully submitted,

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